

Message Text

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PAGE 01 STATE 102336
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DRAFTED BY AF/W:DBEASUM:BA
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-----004406 212335Z /75
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FM SECSTATE WASHDC
TO AMEMBASSY LAGOS NIACT IMMEDIATE

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E.O. 11652: N/A

TAGS: CASC, NI

SUBJECT: BAKER CASE

REF: EASUM/CAHILL TELCON APRIL 21

FROM AMBASSADOR EASUM

1. SUMMARY: AS INDICATED IN TELCON THIS MORNING WITH CAHILL, A STORM IS BREWING ON THE BAKER CASE THAT THREATENS TO INFLICT THE SAME KIND OF PRESSURES ON THE UP-COMING BILATERAL ECONOMIC DISCUSSIONS THAT THE AIG PROBLEM IMPOSED ON PRESIDENT CARTER'S RECENT VISIT TO LAGOS. IT IS THEREFORE IMPERATIVE THAT EMBASSY AND AFRICAN BUREAU TAKE ALL POSSIBLE STEPS TO MOVE THIS CASE TO A SOLUTION PROMPTLY, IF POSSIBLE BEFORE THE CONCLUSION OF THE ECONOMIC TALKS. END SUMMARY

2. I HAVE JUST RECEIVED A LETTER FROM BAKER DATED APRIL 20 EXPRESSING HIS DISMAY THAT CASE WAS NEITHER RESOLVED NOR EVEN RAISED DURING CARTER VISIT. AFTER REVIEWING THE
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PAGE 02 STATE 102336

ALLEGEDLY FRUITLESS EFFORTS OF TWO YEARS OF EMBASSY/ DEPARTMENT ENDEAVOR TO OBTAIN SATISFACTION FROM THE FMG IN THE MATTER, BAKER CONCLUDES THAT NEITHER THE FMG NOR THE US GOVERNMENT NOW POSSESSES THE NECESSARY WILL TO

PURSUE THE MATTER TO A SATISFACTORY CONCLUSION.

3. BAKER'S ATTITUDE IS FURTHER EMBITTERED BY HIS INTER-
PRETATION OF OTTAWAY'S "WASHINGTON POST" ARTICLE APRIL 15
ON THE AIG CASE. OTTAWAY QUOTES ME AS STATING THAT
AMERICAN BUSINESSMEN "SHOULD NOT BE DISTRACTED BY
ISOLATED INCIDENTS OF THIS NATURE IN THEIR EVALUATION OF
THE NIGERIAN INVESTMENT CLIMATE." BAKER CITES THIS
STATEMENT AND OTTAWAY'S CHARGE THAT THE EMBASSY DID NOT
WANT ONE COMPANY'S PROBLEMS TO MAR LARGER OBJECTIVES OF
CARTER'S TRIP AS INDICATING USG INDIFFERENCE TO SUCH
DIFFICULTIES AND PERMITTING NIGERIANS TO BELIEVE THAT
ALL IS WELL AND THAT THE USG WILL NOT GO TO BAT FOR
AMERICAN BUSINESSMEN FACED WITH SIMILAR PROVOCATIONS IN
THE FUTURE.

4. WHATEVER BAKER'S MISINTERPRETATIONS AND EXAGGERATIONS,
THE FACT REMAINS THAT HIS PROBLEMS OF WORK PERMIT AND
FREEDOM TO TRAVEL SHOULD SURELY BE RIPE FOR RESOLUTION
NOW RPT NOW. BUREAU AND I BELIEVE FOLLOWING ACTIONS
SHOULD BE TAKEN TOWARD THIS END:

-- EMBASSY SHOULD MAKE IMMEDIATE AND STRONG DEMARCHE TO
MEA, REQUESTING RESOLUTION OF THE MATTER PRIOR TO CON-
CLUSION OF BILATERAL TALKS. EMBOFF SHOULD STATE THAT
WE CANNOT AVOID MAKING ISSUE OF THE BAKER PROBLEM IN
BILATERAL TALKS BUT WE WOULD WISH BE ABLE DISCUSS IT IN
CONTEXT OF MATTER RAPIDLY ON WAY TO SOLUTION RATHER
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PAGE 03 STATE 102336

THAN AS PROBLEM WITH POTENTIAL FOR SOURING THE CLIMATE
FOR US INVESTORS. EMBOFF SHOULD CARRY COPIES OF EMBASSY
NOTES 864 OF DECEMBER 5, 1977, 906 OF DECEMBER 27, 1977,
AND NOTE (NUMBER NOT AVAILABLE HERE) OF MARCH 25, 1978.
EMBOFF SHOULD POINT OUT THAT NEITHER OF LAST TWO NOTES
HAS BEEN ANSWERED. EMBOFF SHOULD EXPLAIN THAT WHEREAS
LAST MENTIONED NOTE INDICATED THAT PRESIDENT CARTER
WOULD BE INFORMED OF THE ONGOING PROBLEM PRIOR TO HIS
RECENT VISIT TO LAGOS, WE DESISTED FROM RAISING IT
SPECIFICALLY DURING THE CARTER/OBASANJO TALKS IN LAGOS
BECAUSE WE BELIEVED THE MATTER WAS BEING ACTIVELY WORKED
ON BY THE FMG. WE REGRET THAT THIS NOW APPEARS NOT
RPT NOT TO HAVE BEEN THE CASE. WE CONTINUE TO BE
BAFFLED BY SHINKAFI'S CLAIM THAT THE BAKER MATTER DOES
NOT FALL WITHIN HIS JURISDICTION. WHERE ELSE IN THE FMG
DOES ONE GO TO GET WORK PERMITS?

-- APPROPRIATE OFFICER SHOULD ONCE MORE
REVIEW BAKER CASE WITH NSO. LAGOS 3795 INDICATED THAT,
IN COURSE OF DISCUSSION, NSO OFFICIAL PROMISED
TO BRING BAKER CASE TO PERSONAL ATTENTION OF BRIGADIER

MOHAMMED. UTILIZING SAME INFORMAL WRITTEN MEMORANDUM DRAFTED BY ME AND DATED MARCH 22, EMB SHOULD SEEK MUHAMMED'S PERSONAL ADVICE AND ASSISTANCE. PERHAPS MUHAMMED CAN SUGGEST HOW WE MIGHT GET ACCESS TO INTERNAL AFFAIRS.

-- AFRICAN BUREAU WILL MAKE PARALLEL DEMARCHE TO NIGERIAN EMBASSY, URGING EMBASSY UNDERSTANDING OF INCREASINGLY SERIOUS NATURE OF PROBLEM AND REQUESTING EMBASSY TO WEIGH IN WITH MEA. WE WILL TELL NIGERIAN EMBASSY THAT I WILL BE MAKING A SIMILAR DEMARCHE DIRECTLY TO GARBA NEXT WEEK IN NEW YORK.

5. WE NOTE FROM LAGOS 4826 THAT HUFFMAN DISCUSSED THE LIMITED OFFICIAL USE

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PAGE 04 STATE 102336

BAKER CASE WITH FABUNMI ON APRIL 6. WE REGRET THAT THIS DISCUSSION WAS NOT FOLLOWED UP IN THE IMMEDIATELY FOLLOWING DAYS AND SUGGEST THAT EMBASSY DO SO THIS WEEKEND IF HUFFMAN RETURNS IN TIME. IN ANY CASE, CONTACT SHOULD BE MADE NO LATER THAN MONDAY, APRIL 24 BY EITHER HUFFMAN OR ANOTHER OFFICER. PLEASE CONSIDER MERIT OF ESCALATING ABOVE FABUNMI, PERHAPS TO NEW PERMSEC. MUSA'S COUNSEL MIGHT BE USEFUL.

6. EMBASSY MAY RECALL CHAVEAS LETTER TO ME OF MARCH 2 ENCLOSING A NOTE FROM BAKER THAT IMPUTES BLOCKING ROLE TO YAR'ADUA. EMBASSY MAY WISH CONSIDER SOME KIND OF APPROACH TO YAR'ADUA. BRIGADIER MUHAMMED MIGHT HAVE USEFUL ADVICE ON THIS TACTIC.

7. BAKER WILL ATTEND MONDAY EVENING RECEPTION. WE NEED A STATUS REPORT FROM YOU PRIOR TO THEN.

8. JUST RECEIVED LAGOS 5067. APPRECIATE CAHILL'S FAST WORK. IN LIGHT OF FABUNMI'S REQUEST THAT WE WORK ONLY WITH MEA ON THIS MATTER, WE CONCUR IN THE EVENT YOU SHOULD DECIDE NOT RPT NOT TO RAISE THE QUESTION WITH NSO OR YAR'ADUA. WE REMAIN NONETHELESS PERSUADED THAT EVERY POSSIBLE EFFORT SHOULD BE MADE TO REMOVE THE PROBLEM FROM OUR BILATERAL AGENDA BEFORE NEXT WEEK'S ECONOMIC TALKS CONCLUDE. WE LEAVE TO EMBASSY DISCRETION THE DECISION AS HOW TO DO THAT. (WE ARE PUZZLED BY FABUNMI'S REFERENCE TO ISSUANCE OF A VISA FOR BAKER. WE ARE NOT RPT NOT AWARE THAT THIS HAS BEEN A PART OF THE PROBLEM UNLESS ISSUANCE OF A VISA IS TIED TO RE-NEWAL OF BAKER'S RESIDENCE OR WORK PERMIT.) WE WILL STILL NEED A FRESH STATUS REPORT BY COB WASHINGTON TIME MONDAY. CHRISTOPHER
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PAGE 05 STATE 102336

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